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*Attorneys for Irving H. Picard, Esq., Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and Bernard L. Madoff*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

Appeal No.: \_\_\_\_\_

**DECLARATION OF KEITH R. MURPHY IN SUPPORT OF  
TRUSTEE AND BAKER & HOSTETLER'S OPPOSITION TO MOTION OF  
DIANE AND ROGER PESKIN, MAUREEN EBEL AND CERTAIN OTHER  
CUSTOMERS FOR LEAVE TO APPEAL**

I, Keith R. Murphy, Esq., of full age, hereby declare as follows:

1. I am counsel at the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard, Esq., Trustee for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and Bernard L. Madoff (“Madoff”).

2. As an attorney of record, I am fully familiar with this case and the facts set forth herein. I have personal knowledge of the matters stated in this Declaration.

3. I submit this Declaration to place before this Court true and correct copies of documents relevant to the Memorandum of Law of Irving H. Picard, Trustee, and Baker & Hostetler, LLP In Opposition To The Motion of Diane and Roger Peskin, Maureen Ebel and Certain Other Customers (“Movants”) for Leave to Appeal, dated June 2, 2010, which is being filed simultaneously herewith (“Trustee’s Memorandum”).

4. Attached hereto as Exhibit A is a true and correct copy of the Memorandum Decision and Order issued by the Hon. Judge Daniels, Misc. Matter M-47 (GBD) (S.D.N.Y. Jan. 11, 2010), denying Movants Peskins and Ebel motion for leave to appeal the First Interim Fee Order (as defined in the Trustee’s Memorandum).

5. Attached hereto as Exhibit B is a true and correct copy of the Transcript of Hearing on the First Interim Fee Applications on August 6, 2009.

6. Attached hereto as Exhibit C is a true and correct copy of the Transcript of Hearing on the Second Interim Fee Applications on December 17, 2009.

7. Attached hereto as Exhibit D is a true and correct copy of the relevant portion of the Transcript of Hearing on the Third Interim Fee Applications on May 5, 2010.<sup>1</sup>

8. Attached hereto as Exhibit E is a true and correct copy of the Claims Procedure Order (as defined in the Trustee’s Memorandum) dated December 23, 2008.

Pursuant to 28 U.S.C. § 1746, I hereby declare that the foregoing statements made by me are true and correct. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: New York, New York  
June 2, 2010

s/Keith R. Murphy  
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<sup>1</sup> Upon request, the full Transcript will be produced by the Trustee.